THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25012 of 2006

04.12.2006

Between:

Mr.Hamid M.Khambati, S/o.Mohd. Bhai Khambati
And others

... Petitioners

AND

The Chief Commissioner for Land Administration,
Government of Andhra Pradesh, Nampally Office, Hyderabad
And others

... Respondents

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ORDER:

The petitioners herein claimed to be in occupation of premises bearing No.5-1-21 to 24 and 59 to 62 situated in plot No.8093/A, Rashtra Pathi Road, Secunderabad, for over thirty years. They approached the Chief Commissioner of Land Administration (CCLA), the first respondent herein, seeking assignment of the land/premises in their possession under A.P. (Secunderabad Area) Land Administration Rules, 1976 (the Rules, for brevity) promulgated under Rule making power vested in the Government by A.P. (Telangana Area) Land Revenue Act 1317F. Pursuant thereto, the CCLA appears to have directed the second respondent, namely, the Joint Collector and Estate Officer on 15.6.2005 to submit a report. The Joint Collector then issued notice dated 17.6.2005 calling upon the petitioners to appear for the enquiry. When the same was not completed the petitioners 1 to 7 filed W.P.No.17969 of 2006 seeking a direction to the second respondent to dispose of their application for assignment/ alienation. This Court disposed of the said writ petition on 04.9.2006 recording the submission of learned Assistant Government Pleader for Revenue (General) that the matter will be disposed of within a period of eight weeks. Thereafter the second respondent afforded an opportunity to the petitioner and by proceedings dated 06.11.2006 rejected their application for assignment/alienation. Aggrieved by the same, the present writ petition is filed.

Learned Counsel for the petitioners placed reliance on Rule 10 of the Rules and submits that the power to assign/alienate the land is vested in the CCLA and that the second respondent is only an Enquiring/ Verification Officer. Therefore, the impugned order rejecting the claim of the petitioner is unsustainable. The legal position is not denied/disputed.

Rules 10 and 14 are relevant and read as under.

> **10. Authority competent to confirm the auction sales or assignment:-** The Commissioner of Land Revenue shall be the authority competent to confirm auction sale or to assign the land where the bid amount or the market value of the land covered by the auction sale or assignment, as the case may be, does not exceed Rs.25,000/-. In all other cases orders of the Government shall be obtained. The authority competent to confirm auction sale or assign may at its discretion, confirm or cancel the auction sale, order reduction or reject the proposals for assignment.
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> **14. Processing of applications:-** The Estates Officer shall, on receipt of such applications for assignment of lands,

cause verification of the particulars furnished in the applications, ascertain the requirements of other Departments of Government, fix the market value, obtain the approval of the Municipal Corporation and submit the proposals to the Commissioner of Land Revenue for assignment together with the connected records, if in his opinion, the land is available for assignment to the applicant.

In view of the above two Rules, the impugned order dated 06.11.2006 passed by the Estates Officer and Joint Collector, Hyderabad, is unsustainable on the ground of jurisdiction. However, this Court is of considered opinion that as the second respondent conducted detailed enquiry before passing orders, the impugned proceedings can be treated as a report/proposal to the CCLA, who can consider the request of the petitioners and pass appropriate orders. Therefore, the writ petition is disposed of directing the second respondent to send a copy of the impugned order as proposal to the first respondent within a period of ten days from the date of receipt of a copy of this order. As and when the same is received, the CCLA shall consider the same after giving an opportunity to the petitioners and pass appropriate orders within a period of eight weeks thereafter.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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December 04, 2006 (**V.V.S.RAO, J**)

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